

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion 306

This is an advisory opinion based upon our receipt of a copy of a letter signed by you in support of a nominee for a state board.

On March 24, 2000, the Ethics Commission (Commission) received a copy of your letter dated March 16, 2000, in support of a nominee for a state board. The letter's salutation reads "Dear Senator." The contents of the letter explain the reasons why you believe the nominee would be a sound choice for the state board position in question. The letter is on Corporation Counsel stationery, which includes the heading "DEPARTMENT OF THE CORPORATION COUNSEL" and "**CITY AND COUNTY OF HONOLULU**," along with a picture of the seal of the City and County of Honolulu. The letter was signed by you over your title of "Deputy Corporation Counsel."

On May 3, 2000, we received your letter explaining the circumstances surrounding the endorsement letter and stating:

The fact that the letter was printed on Corporation Counsel letterhead was a complete oversight and mistake on my part. I am well aware of the error of using Corporation Counsel stationary (sic) for what is a personal letter of recommendation and I have no valid excuse other than I failed to think about the personal nature of the letter at the time I signed it.

Thank you for considering this attempt at an explanation for my lapse of judgment and I can assure this Commission that I will not forget this lesson in the future.

Although the inquiry in this matter was anonymous, the Commission has the authority under Sec. 3-6.3(d), Revised Ordinances of the City and County of Honolulu (ROH), to initiate investigations.

The issue raised is whether the endorsement letter violates the city's ethics code. The fair and equal treatment provision of the Revised Charter for the City and County of Honolulu, Sec. 11-104 states:

Elected or appointed officers employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any other person beyond that which is available to every other person.

Among other things, this law is intended to prevent a city officer or employee from using his or her official position or title to obtain preferential treatment for an individual. Your use of the city and Corporation Counsel letterhead, the city seal and your official position violates the fair and equal treatment law because your endorsement is not available to all. Additionally, the Commission notes that Sec. 2-31.1(b), ROH, restricts the use of the city's seals and logotypes.¹

¹ The seals and logotypes may be used only for: (1) official governmental purposes; (2)

The Commission is required to make a recommendation to the appointing authority when there is a breach of the ethics code. Sec. 3-6.5(e), ROH. We appreciate that you have expressed your understanding of the impropriety of your action and regret for your “lapse of judgment.” The Commission recommends that the appointing authority consider whether a reprimand is warranted and counsel you to avoid ethical misconduct in the future. For your information, within 15 days of the receipt of a copy of this opinion, the appointing authority is required to inform the Commission regarding what action was taken. See, Sec. 3-6.5(e), ROH.

Dated: June 16, 2000

LINDA A. REVILLA
Chair, Ethics Commission

city-sponsored articles or activities when the sponsorship of the article or activity and the use of the seal or logotype on the article or for the activity is approved by the director of finance; or (3) revenue-raising activities authorized pursuant to subsections (c) and (d).